

PATENT
450100-02333**REMARKS**

Claims 1-39 are pending in this application.

In the Office Action Claims 1-3, 5-16, 19-36 and 39 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Japanese Patent Application No. 10303840 to Kaneko in view of U.S. Patent No. 6,061,056 to Menard, et al. Claims 4, 17, 18, 37, and 38 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of Kaneko and Menard, in further view of U.S. Patent No. 6,118,873 to Lotspiech, et al. In response, the rejection is respectfully traversed for at least the following reason.

Initially, it is submitted that Menard does not teach or suggest, nor does the Examiner's rejection as outlined in the instant office action point to anything in the cited references which teach, "a control means for judging whether or not a specified content signal is stored in said memory means and, when it is judged that it is not stored, generating a content request signal for requesting said specified content signal" (emphasis added) as recited in claim 1.

It is respectfully submitted that the "comparator" of Menard upon which the Examiner relies as teaching the "control means" of the claim 1 does not generate a content request signal. It is submitted that Menard makes clear that the device described there records a segment of the program, when the received data matches the stored data. This is not the same as the recitations of claim 1, which describe a control means "generating a content request signal for requesting said specified content signal," when it is judged that the content signal is not stored in the memory means.

Indeed, Menard and the recitations of claim one require differing logic. The Menard device acts upon determining that data resides in the memory, whereas claim 1 recites action when it is determined that data is not in the memory.

PATENT
450100-02333

Secondly, there is not description of any "content request signal" described in Menard, therefore, there can be no generation of such a signal by the device described therein.

Thirdly it does not appear that the Examiner's rejection fully appreciates the difference between a "content signal" and a "content request signal" as two different signals interacting with different components of the apparatus as recited in claim 1.

For at least these reasons, it is respectfully submitted that the combination of Kaneko and Menard does not teach or suggest the elements of independent claim 1, therefore the rejection should be withdrawn and the claim allowed. For similar or somewhat similar reasons the rejections of independent claims 15, 34, and 39 should also be withdrawn and the claims allowed.

Similarly, it is respectfully submitted that Kaneko does not teach "a reception means for receiving a content request signal," as recited in independent claim 16. Accordingly, it is respectfully submitted that independent claim 16 patentably distinguishes over the relied upon portions of Kaneko and Menard and is allowable. Therefore the rejection should be withdrawn and the claims allowed. For similar or somewhat similar reasons the rejections of independent claims 29-33 should also be withdrawn and the claims allowed.

Further, it is respectfully submitted that the combination of Kaneko and Menard does not teach or suggest a step of "transmitting said content request signal requesting said specified content signal...when it is judged that it is not stored," as in claim 36. Accordingly, claim 36 is patentably distinguished over the combination of Kaneko and Menard and is allowable, therefore the rejections should be withdrawn and the claims allowed.

Finally, it is submitted that the relied upon portions of Lotspeich fail to overcome the shortcomings of Kaneko and Menard discussed above.

PATENT
450100-02333

Claims 2-14, 17-28, 35, 37, and 38 which depend from one of the independent claims discussed above should be allowed therewith.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

CONCLUSION

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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